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OCT 14 2014

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THOMAS G. BRUTON  
CLERK, U.S. DISTRICT COURT

1 **D. Hunter**  
 2 1275 Lincoln Ave., Ste #1  
 3 St. Paul, MN 55105  
 4 612-395-9111(F)

5 **UNITED STATES DISTRICT COURT**  
 6 **NORTHERN DISTRICT OF ILLINOIS**

7 D. W. HUNTER, an Individual,  
 8 LARNELL EVANS. JR., an  
 9 Individual FOR THE ESTATE OF  
 10 ANNA SHORT HARRINGTON, an  
 11 Individual ("AUNT JEMIMA")  
 12 PLAINTIFFS'

13 vs.

14 PEPSICO Inc., a Corporations,  
 15 JANET LYNN SILVERBERG, an  
 16 Individual, THE QUAKER OATS  
 17 COMPANY, a Corporation,  
 18 PINNACLE FOODS GROUP, LLC,  
 19 THE HILLSHIRE BRANDS  
 20 COMPANY, a Corporation, and  
 21 DOES 1 through 25, inclusive,  
 22 DEFENDANTS.

23 **Judge: Edmond E. Chang**  
 24 Case NO. **14CV6011**,

25 **MEMORANDUM IN SUPPORT OF**  
 26 **MOTION TO EXHUME THE**  
 27 **GRAVES OF ANNA SHORT**  
 28 **HARRINGTON, AND DELORIS**  
 29 **HOFFMAN**

30 **MEMORANDUM OF LAW**

31 **Blacks Law Dictionary 5th Addition**

32 **Dred Scott Case.** The case in which the United States  
 33 Supreme Court held that descendants of Africans  
 34 who were imported into this country, and sold as  
 35 slaves, were not included nor intended to be included  
 36 under the word "Citizens" in the Constitution, whether  
 37 emancipated or not, and remained without rights  
 38 or privileges except such as those which the govern-  
 39 ment might grant them. *Dred Scott v. Sandford*, 60  
 40 U.S. (19 How.) 393, 4 L.Ed. 691.

1           All true crimes require two elements. The first is the prohibited act, referred to in  
 2 law as “*actus reus*”. To be a crime this act has to be accompanied by “*mens rea*,”  
 3 criminal intent. The U.S. Supreme Court said in *Morissette vs. U.S.* that criminal intent  
 4 involves an “evil – meaning mind,” variously described with respect to different crimes  
 5 as “intentional” knowing, fraudulent, malicious etc. Each crime has different *mens*  
 6 *rea*. For example the *mens rea* for murder is “malice aforethought.” For there to be a  
 7 crime, the commission of prohibited act and criminal intent (*mens rea*) have to concur in  
 8 time.

9           In 1963 in an Illinois case, *People v. Coolidge* it was found “since every Sane  
 10 Man such as a “Seasoned Attorney” is presumed to intend all the natural and probable  
 11 consequences flowing from his/her own deliberate act, it follows that if one willfully  
 12 does an act, the natural tendency of which is to destroy another’s life, the irresistible  
 13 conclusion is that the destruction of such other persons life was intended.” It can also  
 14 be premeditated intend to do an act “without regard for the life and safety of others,”  
 15 which is implied malice. Malice does not necessarily imply ill-will, spite, hatred or  
 16 hostility by the perpetrator toward the bereaved. **Malice** is a state of mind showing a  
 17 heart [not regardful] of the life and safety of others...(i.e. Grandma Olivia Hunter)

18           Malice can also be defined as a condition of mind which prompts a person to do  
 19 willfully, that is, on purpose, without adequate justification or excuse, a wrongful act  
 20 whose foreseeable consequences is serious bodily injury to another. (i.e. 11/28/13 -  
 21 Constructive Notice of Sister L. Davis need of a Life-saving Surgery) Surely, the  
 22 Conspirator(s) knew or should have known failure to timely pay an equitable fair share  
 23 of royalties pending the matter concerning the heirs lawful rights of ownership would  
 24 manifest physical injury to the Great Granddaughter of Anna Short Harrington and  
 25 Olivia Hunter, pending the outcome of litigation. Whether or not the perpetrators intent  
 26 or state of mind committed acts that concurred in time rest only as a matter for a jury  
 27 trial to adjudicate the “Mosaic of Guilt”.

28 DATED: October 8, 2014

Respectfully Submitted,



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## CERTIFICATE OF SERVICE

FOR THE COUNTY OF )  
RAMSEY IN THE )ss.  
STATE OF MINNESOTA )

Case No.: 14-CV-6011

I, \_\_\_\_\_, HEREBY certify that I am over the age of 18 years old, and located at  
1275 Lincoln Ave., Ste #1, St. Paul, MN 55105. I certify that I have placed a prepaid postage,  
true and complete original to the court and copies to the party(is) of record at the U.S. Postal  
Office located at Post Office on the date of October 2014, for this action of the following:

**Motion + Memorandum to Exhume + Exhibits**

Mr. Dean N. Panos Jenner & Block LLP PepsiCo, The Quaker Oats Company 353 N. Clark Street, Chicago, IL 60654-3456   jenner.com (312) 923-2765   TEL (312) 840-7765   FAX	Stephanie A. Scharf Scharf, Banks & Maromor 333 West Wacker Drive Suite # 450 Chicago, IL 60606 312-662-6999 Email: <a href="mailto:scharf@scharfbanks.com">scharf@scharfbanks.com</a>
Almee E. Graham John I. Grossbart The Hillshire Brands Company, Associate Dentons U.S. LLP 233 South Wacker Drive Suite # 7600 Chicago, IL 606-6-6404	Special Agent in Charge Robert J. Holley Federal Bureau of Investigation 2111 W. Roosevelt Road Chicago, IL 60608 Phone: (312) 421-6700 Fax: (312) 829-5732/38 E-mail: <a href="mailto:Chicago@ic.fbi.gov">Chicago@ic.fbi.gov</a>
c/o Clerk United States District Court Northern District of Illinois Everett McKinley Dirksen United States Courthouse 219 South Dearborn Street Chicago, IL 60604	

I declare under the penalty of perjury under the laws of the State of Minnesota  
and/or N. Carolina that the above is true and correct.

Date: 10/08/14

Respectfully Submitted,

